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Chairman: Mr. Tomka ..... (Slovakia)

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The meeting was called to order at 3.20 p m.

Agenda item 152: Measures to eliminate international terrorism (*continued*) (A/C.6/52/L.13 and Corr.1 and L.19)

1. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that his delegation attached great importance to strengthening international cooperation to combat terrorism, but felt that the draft International Convention for the Suppression of Terrorist Bombings, as set out in draft resolution A/C.6/52/L.13 sponsored by Costa Rica, contained a number of lacunae which needed to be addressed in order to prepare a solid text that would more accurately reflect the view of the various delegations. His delegation proposed that consideration of the item should be deferred to the fifty-third session, so that outstanding concerns could be addressed and a more satisfactory text elaborated.

2. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that, despite the best efforts of the Working Group and the Ad Hoc Committee to elaborate an acceptable draft Convention, there were still many proposals and amendments which delegations wished to include. The text of the Convention annexed to draft resolution A/C.6/52/L.13 was based mainly on the draft prepared by the Working Group and also on informal consultations between certain delegations, but it did not reflect the views of other delegations, which had been submitted in writing to the Working Group. Rather than seeking to finalize the draft Convention at the current stage, the Committee should defer consideration of the item to the fifty-third session, so that the legitimate concerns of delegations could be taken into account. That would make it possible to prepare a text which was acceptable to all.

3. **Mr. Diaz** (Costa Rica) said that before preparing its draft resolution his delegation had considered very carefully and sympathetically the proposals and amendments submitted earlier. It believed that the text before the Committee was delicately balanced and should be adopted without a vote or further amendment.

4. **Ms. Wensley** (Australia) said that while her delegation acknowledged the legitimate concerns of certain delegations, it would like to see the admittedly imperfect draft Convention adopted at the current session without a vote. Many of the concerns raised had been procedural rather than substantive and it would be very regrettable if they were allowed to delay the adoption of a delicately balanced compromise text. Recent events in Egypt had underscored the importance and urgency of the Committee's task, which was of particular significance for her delegation since Australia was to host the Olympic Games in the year 2000.

5. **Mr. Perera** (Sri Lanka) said that since all delegations had been given ample time to discuss the draft Convention it was difficult to see how deferring the item could lead to improvements in the text. Deferment might not only unravel the existing consensus on certain provisions of the draft, but also jeopardize the Convention itself. Sri Lanka, which had recently been subjected to terrorist attack, believed that further delay in adopting the Convention could not be justified.

6. **Mr. Welberts** (Germany) said that while delegation had raised legitimate concerns, they had been given ample time to express their views during consultations which it had been assumed would lead to a consensus. The draft Convention before the Committee was the best compromise available and should be adopted at the current session without a vote.

7. **Mr. Ayoub** (Iraq) said that his delegation would like additional time to consider the issues that had not been addressed fully in the text and on which consensus had not been achieved.

8. **Mr. Kerma** (Algeria), **Mr. Verweij** (Netherlands) and **Mr. Sucharipa** (Austria) said that while the text was far from perfect and legitimate concerns had been voiced, its adoption was a matter of great urgency. The Committee should adopt the draft Convention at the current session, in order to send a message that the international community would not condone or tolerate acts of terrorism of any kind.

9. **Mr. Kawamura** (Japan) said he endorsed the views of the previous three speakers. His delegation supported the inclusion in the draft Convention of the eleventh preambular paragraph and article 19, since the activities of military forces of States, to which they referred, were governed by rules of international law that were not within the framework of the Convention.

10. **Mr. Patriota** (Brazil) and **Mr. Monagas-Lesseur** (Venezuela) said that the draft Convention, which had been prepared after lengthy negotiations on a range of problems and concerns, was a delicately balanced text meriting immediate adoption.

11. **Mr. Rao** (India) said that his delegation was unable to express a view as to whether the draft Convention was delicately balanced or not, since it had not made a final assessment of the practical implications of implementing its provisions concerning such matters as the apprehension of terrorist bombers. The text was far from perfect and a golden

opportunity to elaborate a quality text reflecting all views had been missed.

12. The text focused on the consequences of terrorist bombings for public facilities, but made no mention of their impact on rural communities in developing countries. It contained a number of loopholes concerning extradition procedures and the obligations of States. However, from an optimistic perspective, it might be hoped that in adopting such a text, the international community was sending a strong signal to terrorists that the United Nations would not condone terrorist bombings.

13. If the text were not adopted at the current meeting, his delegation would have many amendments to make. It could not accept that the whole Convention would founder on the dispute over whether an article on the activities of military forces should be included, since that matter was not a defining aspect of the instrument.

14. In a spirit of compromise and cooperation his delegation could accept the addition of the eleventh preambular paragraph, provided that article 1, paragraph 4, and article 19 were also included in the text. While the draft Convention was not what his delegation had wanted, it was willing to proceed with the adoption of the text, if a consensus emerged to that effect, in order to avoid deferment of a very important task.

15. **Mr. Grainger** (United Kingdom) said he supported the draft Convention, which was a compromise arrived at after lengthy discussions. Like the representative of Australia, he felt that the text was delicately balanced and commanded considerable support and, like the representative of Sri Lanka, he feared that further discussion would run the risk of unravelling that hard-won compromise. He therefore hoped that the Committee would adopt the draft resolution without a vote and thereby send a clear message on behalf of the international community to the perpetrators of terrorism.

16. **Mr. Politi** (Italy) said he agreed that the draft Convention was a compromise which did not entirely satisfy any delegation, including his own, but it was the best possible result given the circumstances. He appreciated the concerns expressed by other delegations but nevertheless felt that the Committee should adopt the draft without a vote.

17. **Mr. Šmejkal** (Czech Republic) said he recognized that the draft Convention was a compromise based on a fragile balance achieved after difficult negotiations; he feared that attempts to modify one part of the draft would open the entire draft for renegotiation. All delegations had had the opportunity to participate in the process and their positions were known. Recent events had given special urgency to the draft Convention. Since it was impossible to improve the text at the current stage, he hoped that the draft would be adopted without a vote.

18. **Mr. Rosenstock** (United States of America) said that the Committee found itself in a position to act in accordance with its vocation and make a real contribution on behalf of the international community in its response to terrorism. Like the representative of India, he felt that the text was incomplete and did not solve all the problems but it was nevertheless a milestone, and failing to adopt it would mean missing a golden opportunity. All delegations, including his own, had had to make compromises; his delegation had even had to seek new instructions from Washington. The language of the compromise text was evidence of the good faith shown by all parties in refusing to pursue selfish goals. Failure to act would mean losing an opportunity to act promptly, effectively and impressively in the response to terrorism.

19. **Ms. Ladgham** (Tunisia) said that, while recognizing the validity of the concerns expressed by some delegations, she wished to appeal to all to show flexibility, because sending the text back for further discussion might cause the fragile consensus to collapse and would also send the wrong message to the perpetrators of international terrorism.

20. **Mr. Benitez-Sáenz** (Uruguay) said that the draft Convention, while not perfect, was an important step forward. His delegation would have preferred to have the text deal with the right of asylum, but since a balance had been achieved it supported what seemed to be a consensus in favour of adopting the draft.

21. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that his delegation, like other delegations, was determined to stop terrorist acts. It was concerned, however, about the definition of armed forces, and wished to know whether that term referred to both regular and irregular armed forces. It was also concerned about other aspects of terrorism, such as terrorism by non-governmental organizations, one example of which was the efforts of some non-governmental organizations to force refugees from Rwanda — who turned out in many cases to be soldiers — to cross the border into his country. Furthermore, four thousand military uniforms had been found hidden among packages sent to refugees by non-governmental organizations. His delegation supported efforts to end terrorism, but stressed that all forms of terrorism must be taken into account.

22. **Ms. Giraldo** (Colombia) said she agreed that the consolidated text of the draft Convention, while not perfect, was nevertheless acceptable in view of the fact that there

was an urgent need to adopt it promptly in order to send a strong message from the international community indicating its determination to fight terrorism.

23. **Ms. Lehto** (Finland) said that her delegation, like others, had had to make concessions, but in accordance with the general spirit of cooperation it had participated in the negotiation of a carefully balanced compromise text. Deferring action would simply run the risk of weakening the draft Convention and it should therefore be adopted without a vote.

24. **Mr. Sandsten** (Norway) said that despite the concerns expressed by some delegations, including his own, the draft text was the best possible compromise. It would be regrettable to reopen the negotiations and he therefore hoped that the text would be adopted promptly without a vote.

25. **Ms. Telalian** (Greece) felt that the text was satisfactory and well balanced. Although she understood the concerns expressed, further discussions would be counter-productive and in any case it would not be possible to achieve a perfect text or complete unanimity. In addition, delay would send a false signal to the perpetrators of terrorism. Her delegation, like others, therefore hoped that the draft Convention would be adopted without a vote.

26. **Mr. Gramajo** (Argentina) observed that the delegation of Costa Rica had made great efforts to achieve a consensus text and he therefore hoped that it would be adopted without a vote.

27. **Mr. Roth** (Sweden) said that although all delegations, including his own, had difficulties with the text, it was nevertheless an acceptable one, arrived at after long discussions. It gave the Committee an important opportunity to agree on a draft Convention, which was probably the best result achievable, and he therefore supported the consensus in favour of adopting the draft without a vote as a signal to the world of the Committee's resolution to fight terrorism.

28. **Mr. Alabrune** (France) said that he supported the draft Convention, which although imperfect was an acceptable compromise. Prolonging the discussion might cause the consensus to collapse; failure to adopt the draft Convention would be a failure for the Committee as a whole and a diplomatic disaster. He also supported the draft resolution sponsored by Sri Lanka (A/C.6/52/L.21) and the draft decision sponsored by the Russian Federation (A/C.6/52/L.22), since they showed that work would continue once the draft Convention had been adopted.

29. **Mr. Correa** (Chile) observed that the draft Convention, although not completely satisfactory, was a balanced document and a step forward in the fight against terrorism. He was therefore in favour of adopting the draft without a vote.

30. **Mr. Montesino** (Spain) said that the draft Convention, while not perfect, was the best text possible in the circumstances and would give the international community a tool with which to fight terrorism. The draft provided by the Committee with a historic opportunity which must not be lost and he therefore supported its adoption.

31. **Mr. Balde** (Guinea) said the draft Convention did not fully satisfy everyone but constituted a consensus text arrived at after much work. He therefore called on other delegations to join his own and adopt it without a vote.

32. **Mr. La Rocca** (Observer for the Holy See) said that a great deal of progress had been made with regard to the draft Convention in the past few months. The draft should be viewed not as a compromise, but rather as a text that was as perfect as was humanly possible. The concerns raised by some delegations were relatively unimportant in comparison with the great progress made despite many serious problems, and he therefore felt the text should be adopted without a vote.

33. **Mrs. Ekemezie** (Nigeria) said she agreed with other delegations that the draft convention was imperfect, but it was nevertheless time to act. Failure to do so would send the wrong signal to the perpetrators of terrorist acts. Her delegation therefore supported the emerging consensus regarding the adoption of the draft Convention.

34. **Mr. Mubarak** (Egypt) said that the draft Convention admittedly had certain shortcomings; for example, it did not fully resolve the question of extradition and the wording was sometimes vague. It nevertheless represented a delicate balance and the importance of adopting it promptly far outweighed any possible gains from further debate. It would make an important contribution to the elimination of terrorist acts and would complement existing instruments. His delegation joined other delegations in urging that the Convention be adopted as soon as possible. He emphasized, however, that the Convention in no way reduced or diminished the right of peoples living under foreign occupation to strive for their independence, in accordance with the provisions of international law and the Charter of the United Nations.

35. **Mr. Pfirter** (Observer for Switzerland) said that despite its observer status his delegation had participated fully in the preparation of the draft Convention, which was of great interest to it. Although the text was not completely satisfactory, it was a compromise which would provide the best possible solution for a long time to come. Continued

discussion would lead the Committee further from, rather than closer to, an ideal solution.

36. **The Chairman**, summing up, said it was his impression that a large majority of delegations, although not fully satisfied with the draft Convention, considered that the time had come for action in the fight against international terrorism. He understood the concerns expressed by some delegations which would have preferred the discussion to continue, but the text presented was generally acceptable and had been arrived at only after long and difficult negotiations. No international convention was perfect and the concerns raised would certainly be the subject of further discussions as the United Nations continued working to combat international terrorism. As noted in the Secretary-General's report (A/52/304) there were already 10 universal instruments and 3 regional instruments designed to combat terrorism, and by adopting the draft Convention the Committee would be taking a further step towards eliminating that scourge. He therefore took it that despite some lingering concerns, the Committee wished to adopt draft resolution A/C.6/52/L.13 without a vote.

37. **Mr. Akbar** (Pakistan) said that his Government fully understood the implications of the scourge of terrorism for the international community, especially since his country had been a victim of terrorist acts, including cross-border terrorism. His Government strongly condemned all acts of terrorism, wherever and by whomever committed and regardless of the motives involved, and would continue to fulfil its obligations under the international conventions to which it was a party.

38. His delegation, guided by its strong desire to further the international community's efforts to combat terrorism, had participated actively in the deliberations of the Ad Hoc Committee and the Working Group. Its concerns regarding the draft Convention had been highlighted in both written amendments and oral statements. While the text before the Committee reflected a degree of progress in enhancing international cooperation in the fight against terrorism, it did not meet his delegation's concerns with regard to the need for more comprehensive and detailed provisions.

39. He continued to believe that the international community would need to make constructive efforts to bridge the gaps between the draft and the legal and political concerns expressed by his delegation and other like-minded delegations. For instance, the international community had not yet agreed on a legal definition of terrorism; accordingly, it was still unable to decide on a definition of terrorist bombings, the subject of the draft Convention.

40. The solution to the problem of terrorism lay in addressing its root causes, as reaffirmed in any number of General Assembly resolutions, such as 40/61 and 46/51, which urged States to pay special attention to situations involving flagrant violations of human rights and fundamental freedoms, and those involving alien domination and foreign occupation, that might give rise to international terrorism. The principles embodied in those resolutions should be the guiding spirit behind all relevant United Nations conventions.

41. It was regrettable that the draft Convention did not reflect the essential distinction between terrorism and the legitimate struggle of peoples for self-determination, which had been the consensual view of a large majority of the Organization's Members and of the States members of the Movement of Non-Aligned Countries.

42. The preamble did not take into account fully the amendments proposed by his delegation in document A/52/37, and therefore did not reflect a comprehensive view of the complexities inherent in the issue of terrorism.

43. Moreover, draft article 2 still included the words "unlawfully and intentionally", which indicated approbation of certain forms of terrorism.

44. His delegation had also expressed its concerns regarding draft article 3 and the provision in article 1, paragraph 4, which exempted the actions of the armed forces of a State from the scope of the draft Convention. That provision had now been included, with some changes, in draft article 19, paragraph 2. It did not reflect his delegation's proposed amendment, which had been based on the consensual language of the International Convention against the Taking of Hostages, and would have excluded from the scope of the draft Convention situations of armed conflict, as defined in the four Geneva Conventions of 1949 and the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I).

45. He could not accept article 19, paragraph 2, which, as drafted, sanctified State terrorism and terrorist activities undertaken by the military forces of States. He believed that the draft Convention should exclude only those activities of armed forces that were undertaken in accordance with Chapters VII and VIII of the Charter of the United Nations. While he would have preferred the paragraph to be deleted, it should, if included, be amended to read as follows:

> "The activities of armed forces during an armed conflict, as those terms are understood under

international humanitarian law, insofar as they conform to that law, are not governed by this Convention."

46. Similarly, the eleventh preambular paragraph should include references to the relevant instruments of international humanitarian law applicable in armed conflicts.

47. The definition of "military forces of a State" given in article 1, paragraph 4, must also conform to the provisions of Protocol I.

48. His delegation had likewise proposed that draft article 8, paragraphs 1 and 5, should be made subject to domestic law, as suggested by many other delegations. His Government was prevented by domestic legal constraints from assuming the obligations set out in those paragraphs.

49. Draft article 11 too was inconsistent with Pakistani law, which recognized only offences of a political nature.

50. Lastly, the provision that only 22 ratifications were required for the entry into force of the draft Convention was completely inappropriate for an Organization of 185 Members. He concurred with the Chinese view that the number of ratifications required should be set at one third of the membership of the United Nations.

51. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that terrorism had never been confined to certain parts of the world, and that his country, like many others, had suffered greatly from its harsh impact in recent years. His Government therefore shared the increasing concern of the international community at the acts of terrorism perpetrated by individuals, groups and States, and was determined to take decisive measures for the elimination of international terrorism.

52. Despite its dissatisfaction with the outcome of the negotiations, his delegation would not oppose the action to be taken on the draft resolution. He wished, however, to place on record a reservation concerning draft article 19, paragraph 2. A similar provision could not be found in any of the existing anti-terrorism conventions. The phrase "in the exercise of their official duties" was vague and had not been defined anywhere; it left room for a broader interpretation of the immunities of military forces provided for in general international law. It was imprudent to include such an imprecise and politically compromised formulation in the draft Convention, which was to be the basis for the prosecution and punishment of perpetrators of such criminal acts.

53. Lastly, the obligation to refrain from the threat or use of force in international relations was enshrined in the Charter and was binding on all Member States. Labelling the activities of the military forces of States as "official duties" could not be justified under any circumstances if such activities ran counter to the accepted norms and principles of international law.

54. **Mr. Ayoub** (Iraq) said that he wished to enter a reservation concerning draft article 19, paragraph 2, which was ambiguous.

55. **Mr. Obeid** (Syrian Arab Republic) said that while he condemned terrorism in all its forms and manifestations, he drew a distinction between the crime of terrorism, which was punishable under the law of his country, and the legitimate struggle of peoples against foreign occupation.

56. It was regrettable that the draft Convention had been dealt with in a hasty and improvised manner. The Committee had not had sufficient time to consider the various proposals in depth. The Ad Hoc Committee should be given a further opportunity to study the proposals submitted to the Working Group. No delegation appeared to be fully satisfied with the text as drafted; therefore, like other international conventions adopted in great haste, it was likely to remain a dead letter.

57. The draft Convention dealt with one of the most serious crimes, terrorism, without defining the term. Such a situation ran counter to the working methods of the United Nations and the elementary rules for the drafting of international conventions. It was surprising that some delegations had objected to the inclusion of references to resolutions adopted by consensus by the General Assembly, especially resolution 46/51, which was very important. Paragraph 15 of that resolution referred to the right to self-determination of peoples forcibly deprived of that right and the right of those peoples to struggle legitimately against alien domination. Moreover, the penultimate preambular paragraph of the same resolution stated that it was essential to establish a generally agreed definition of international terrorism. During the negotiations, his delegation had insisted on a reference to that text, which would have remedied certain defects in the draft Convention. The failure to agree on such a reference constituted a rejection of healthy cooperation in the fight against terrorism, and reflected an attempt to impose a completely erroneous notion which would hamper cooperation among States and would make it possible to label States as "terrorist" without giving them a chance to defend themselves.

58. With regard to specific provisions of the draft Convention, the eleventh preambular paragraph was extremely important, as it linked the activities of military forces of States to the rules of international law, stating that the exclusion of certain actions from the coverage of the

draft Convention did not condone unlawful acts or preclude prosecution under other laws. He could not, however, accept the possibility that the draft Convention might be used to cover up State terrorism or to allow armed or military forces of a State to undertake criminal activities against another State. Such activities should also be covered by the provisions of the draft Convention.

59. He was opposed to the inclusion of the definition of "military forces of a State" contained in article 1, paragraph 4, of the draft Convention, especially as the draft provided for the prosecution of individuals. The Working Group had agreed to delete that paragraph and it had not appeared in the report of the Working Group (A/C.6/52/L.3). The inclusion of that paragraph in the text contained in document A/C.6/52/L.13 was a means of evading the objectives of the draft Convention.

60. Similarly, his delegation wished to place on record its reservation concerning article 19, paragraph 2, which referred to "activities undertaken by military forces of a State in the exercise of their official duties". His delegation insisted that that wording should be changed to "in the exercise of their legitimate duties or functions undertaken in conformity with the Charter of the United Nations and international law". Such an amendment would have made the text clearer and more explicit, especially since the term "official duties" was not defined. As drafted, the paragraph was extremely ambiguous, since military forces could undertake terrorist activities in the guise of their official duties. He reaffirmed his position that the draft Convention in no way impinged on the legitimate right to combat Israel's illegal occupation of Arab territories, which he regarded as State terrorism, and on the right of peoples to self-determination.

61. **Ms. Gao Yanping** (China) said that the position of her Government on combating international terrorism was unequivocal and consistent. Her Government opposed the use of terrorist activities as a means of achieving political ends, as well as violence carried out by States, organizations, groups or individuals. For that reason, it had acceded to most of the anti-terrorism conventions, and had participated actively in the deliberations of the Ad Hoc Committee and the Working Group.

62. In the spirit of international cooperation, her delegation had made reasonable proposals on certain provisions, in the hope that the relationship between national judicial sovereignty and international cooperation could be handled properly. Nevertheless, the Working Group had failed to reach agreement on all of the provisions of the draft Convention and had left many important questions outstanding. Those issues should have been settled through negotiation and consultation. Regrettably, however, draft resolution A/C.6/52/L.13 submitted by Costa Rica was virtually identical to the version of the draft Convention submitted by the Working Group. No consultations had taken place regarding the significant differences that remained, and some provisions were not acceptable to all States. For that reason, she was unable to participate in the action to be taken on the draft resolution.

63. *Draft resolution A/C.6/52/L.13 was adopted.*

64. **Mr. Baali** (Algeria), explaining his position on the draft resolution just adopted, welcomed the adoption by consensus of the draft Convention. The text, which was the product of long and bitter discussions, clearly did not fully satisfy any delegation. Nevertheless, despite certain flaws, it was a balanced text and a solid and useful instrument which would strengthen the international community's legal arsenal in the fight against terrorism. At a time when terrorist acts of unprecedented barbarity were being unleashed against innocent civilians in many parts of the world, the draft Convention would send a strong signal to terrorists that the international community would wage a relentless battle against them and their abettors. Terrorism must be addressed through a comprehensive approach; only a convention which dealt with all aspects of the problem could meet the daunting challenges posed by that scourge.

65. **Ms. Wong** (New Zealand) welcomed the adoption of the draft Convention. For reasons of principle, her delegation had taken a special interest in the relationship between the new Convention, which established a global "prosecute or extradite" regime for terrorist bombings, and the activities of military forces of States. She had been of the view that the general exclusion of such activities from the scope of the draft Convention, as proposed in the text submitted by the group of seven major industrialized countries and the Russian Federation (A/52/37), was inappropriate. The proposal submitted subsequently by her delegation (A/C.6/52/WG.1/CRP.3) had supported the proposed exclusion only to the extent that it applied exclusively to military personnel acting in a manner consistent with international law. She had insisted on the importance of including in the draft Convention provisions outlawing all terrorist actions while protecting the lawful actions of military personnel. Accordingly, she had welcomed the text submitted by the "friends of the Chairman" to the Working Group (A/C.6/52/WG.1/CRP.45/Rev.2); it was regrettable that the Working Group had been unable to adopt by consensus any version of that proposal.

66. In the meantime, the considerable efforts of some delegations to seek agreement on a complete exclusion from the scope of the draft Convention of the activities of military forces of States, had given all delegations cause to reflect on their position. No delegation had, however, suggested that the exclusion of certain actions of military forces of States, exempted the members of such forces from legal jurisdiction and prosecution, where their conduct was unlawful.

67. The exclusion of certain actions of military forces in no way affected an important general principle, namely, that members of the military forces of States could be held criminally responsible, as individuals, whether or not the State of which they were nationals was also responsible for their actions. The applicability of that principle was made very clear in both the preamble and the operative paragraphs of the draft Convention.

68. Since article 19 did not propose to limit obligations under other laws, the effects of extradition treaties were not reduced. Article 9, paragraph 5, was consistent with that understanding.

69. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that his delegation had joined the consensus on the draft resolution on the basis of its principled opposition to terrorism in all its forms and manifestations. He viewed the draft Convention as a step towards strengthening international cooperation in the fight against terrorist activities. At the same time, nothing in the draft Convention should be interpreted as prejudicial to those who were struggling against foreign occupation. Such people had the right to take legitimate action in order to exercise their right to self-determination in accordance with the Charter of the United Nations and international law.

70. While article 19, paragraph 2, stated that the draft Convention did not apply to the activities of armed forces, that exemption applied to legitimate activities undertaken by States in accordance with international law and the Charter of the United Nations. The draft Convention should not exempt illegitimate activities undertaken by States, such as occupation and aggression so as not to provide a cover for State terrorism. Moreover, the text was incomplete; it did not meet all of his delegation's concerns, and did not provide any definition of terrorism. Another major concern was the definition of "military forces of a State" as contained in article 1, paragraph 4; that definition exceeded the framework of the draft Convention, and should have been deleted.

71. Lastly, the provision concerning exchanges of information in article 12 might enable States to shirk their obligations; criminals might thus be able to evade judicial proceedings owing to the lack of information on the subject.

72. **Mr. Holmes** (Canada) welcomed the adoption of the draft Convention and expressed appreciation to the delegations that had shown a spirit of compromise.

73. **Mr. Hamdan** (Lebanon) said that his delegation had agreed to the adoption of the draft resolution without a vote because all forms of terrorism were to be condemned. The international anti-terrorism effort, however, must be even-handed and must be accompanied by an understanding of the roots of terrorism. Unfortunately, there was no generally agreed-upon definition of terrorism.

74. He took article 19 of the draft Convention to mean that acts of resistance to foreign occupation were not covered; Israel's occupation of southern Lebanon, for example, was itself an instance of State-sponsored terrorism. Paragraph 2 of that article could never be construed to mean that a State's military forces had the right to engage in unlawful activities, as was clear from the eleventh preambular paragraph. The words "inasmuch as they are governed by other rules of international law" in that paragraph could only mean that activities undertaken by the military forces of a State in the exercise of their official duties must not contravene the accepted rules of international law.

75. Lebanon intended to cooperate with other States Parties in matters relating to extradition or mutual legal assistance insofar as such requests were not contrary to international law or the national legislation in force, and it therefore hoped that the exceptions referred to in article 12 would be genuinely exceptional and subject to the application of article 6, paragraph 4.

76. The reference in article 6 to notifying the Secretary-General of the jurisdiction established in accordance with paragraph 2 of that article presumably meant that the Secretary-General would circulate that information without delay.

77. **Mr. Kawamura** (Japan) said that while welcoming the adoption of the draft Convention as a significant step forward in the fight against terrorism, he felt that some of the terms used in it, such as "major economic loss" (art. 2, para. 1 (b)) or "such contribution" (art. 2, para. 3 (c)), were ambiguous. He understood that the interpretation of such terms was for each Government to determine, as long as its interpretation was reasonable and in accordance with the Vienna Convention on the Law of Treaties. His Government would interpret "such contribution", for example, to mean abetment, assistance or other similar acts as defined by Japanese legislation.

78. **Mr. Daniell** (South Africa) said his delegation had joined the consensus but reserved the right to explain its position when the matter came before the plenary Assembly for approval.

79. **Mr. Rao** (India) said that the adoption of the draft Convention was only the first step towards implementing General Assembly resolution 51/210. He construed the Convention as meaning that terrorism could never be justified on any grounds whatsoever, that States were obliged to prosecute or extradite offenders and that States could never assist terrorists in any way at all. The next steps were to ensure that the draft Convention was adopted by the plenary Assembly in the same spirit of compromise as had been shown by the Committee and that it was ratified quickly. After that, work should proceed on drafting a convention for the suppression of acts of nuclear terrorism and on developing a comprehensive legal framework to deal with international terrorism. The consensus on the adoption of the Convention sent a powerful signal to terrorists the world over; he hoped that the Convention would be implemented in the same spirit.

80. **Ms. Baykal** (Turkey) said that the draft Convention was not as strong as it could have been; her delegation would give a detailed explanation of its position in the debate in the plenary Assembly.

81. **Mr. McDonald** (Jamaica) said that rather than referring to the draft Convention as a delicately balanced text open to subjective interpretation, it would be better to admit that it was merely the best that could be achieved at the current stage. The concerns expressed by many delegations should be heeded by the Sixth Committee and the United Nations system. For example, more work would have to be done on areas where the draft Convention appeared to breach fundamental norms, such as the legitimate right of peoples to self-determination. The two interpretations of article 19, paragraph 2, already given did not bode well for legal certainty. More work was also needed to provide the comprehensive legal framework called for in the Declaration on Measures to Eliminate International Terrorism. The flexibility shown by many delegations in adopting the draft Convention by consensus deserved no less.

82. **Mr. Taub** (Israel), speaking in exercise of the right of reply, said that the adoption of the draft Convention was a useful and important step in the fight against terrorism. However, in the course of the debate, certain delegations had asserted that terrorist acts — blowing up shops or attacking buses — carried out in the name of national liberation or freedom from occupation were not terrorist acts. He reminded those delegations that the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 supplement to it made it clear that no act intended to provoke terror could ever be justified in any circumstances whatsoever. Terrorism in the name of freedom-fighting caused a double injustice, to the innocents murdered and to genuine freedom-fighters. Those who fought for true freedom respected all freedoms, and did not bomb or maim the innocent. Moreover, if terrorism could be justified, the perverse logic of that argument meant that the fight against it was unjustifiable. According to those who sought to justify terrorism, the mastermind behind suicide bombings was not a terrorist, but those who sought to prevent such bombings were terrorists. The logic of the apologists was incomprehensible, but their motivation was clear: under cover of "fighting for national liberation", they were waging war on the cheap, and advancing their own cynical political agenda.

83. In 1989 one of his predecessors on the Sixth Committee, Mr. David Ben Raphael, had said that no cause could justify deliberate attacks on civilians, and that terrorism remained a crime whatever the motivation behind it. Two years later he had been blown up and killed in the Israeli embassy in Buenos Aires; nobody could deny that that was a terrorist act.

84. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, said that while the representative of Israel accused others of terrorism, he ignored the most heinous form of terrorism, State terrorism, which Israel had practised in all its forms for years, against the Palestinian and Lebanese peoples and in the occupied Syrian Golan Heights. Israel tried to portray as terrorists the victims of massacres for which it was responsible. The draft Convention just adopted should be implemented in such a way as to cover the acts of the Israeli terrorists who had recently been active in Jordan on the direct orders of the Israeli leadership. Israel was occupying territory by force, in contravention of the Charter of the United Nations, Security Council resolutions and international law. Confrontation would end when Israel withdrew from the occupied territories.

85. **Mr. Taub** (Israel), speaking in exercise of the right of reply, said that the key elements of any definition of terrorism were clear: terrorism was a deliberate and systematic attack on civilians with the intention of causing the maximum shock or horror. He failed to see how attempts to prevent the masterminds behind suicide bombings from succeeding constituted a terrorist act. The aim of the international community should be not to protect such individuals, but to protect their intended victims.

86. With regard to the question of the occupied territories, he reminded delegations that as a result of negotiations between his Government and the Palestinians, 95 per cent of the Palestinians in the West Bank and Gaza Strip were under Palestinian, not Israeli, rule, and he called on the Syrian Government and the Palestinian leadership to return to the negotiating table.

87. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, said that lessons on the definition of terrorism would have more force if they were given by representatives of States which abided by international law. The representative of Israel was better placed to give lessons on the occupation of territories and the refusal to comply with international law. He was certainly in no position to give lessons on returning to the negotiating table, when it was Israel that had ended negotiations.

88. **Mr. Hamdan** (Lebanon), speaking in exercise of the right of reply, said that, in the name of the civilians slaughtered during the Israeli occupation of Beirut, those who had suffered during the bombardment of Beirut and those killed in the attack on the United Nations camp at Qana, he rejected the distortion of the facts by the representative of Israel.

Agenda item 149: Report of the Committee on Relations with the Host Country (A/52/26; A/C.6/52/L.10 and L.23)

89. **Ms. Cueto Milián** (Cuba) introducing her delegation's proposed amendments (A/C.6/52/L.23) to draft resolution A/C.6/52/L.10 on the report of the Committee on Relations with the Host Country, said the amendments were intended to reaffirm that the composition of a subsidiary body was a matter for the General Assembly, and thus Member States, to determine. According to the amendments, the General Assembly would request Member States to consider reviewing the composition of the Committee on Relations with the Host Country and to transmit their views to the Secretary-General. It would also request the Secretary-General to present a report on the subject to the General Assembly at its fifty-third session.

Announcement concerning sponsorship of draft resolutions

90. **The Chairman** announced that Brazil had joined the list of sponsors of draft resolution A/C.6/52/L.9 on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

Other matters

91. **Mr. Rosenstock** (United States of America) drew attention to the need to make details of any financial implications of draft resolutions available 24 hours in advance, to give representatives time to consult with their Governments.

92. **Mr. Lee** (Secretary of the Committee) said that the remaining draft resolution with financial implications concerned the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of Practice of the Security Council*. Information on that subject had been circulated during the negotiations to members of the Sixth Committee. The Programme Planning and Budget Division proposed to make an oral statement on the matter, but no written documentation was available.

93. **Mr. Rosenstock** (United States of America) said that rule 153 of the rules of procedure of the General Assembly required that no resolution involving expenditure should be recommended by a committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General. The informal circulation of suggestions or possibilities did not comply with that rule. His delegation would therefore seek to delete or amend any proposal concerning the *Repertory* or *Repertoire* if the additional financial implications were not provided in advance.

The meeting rose at 6.40 p.m.